FOR MYSORE STATE

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HECA (1954) Department.

MS SERIES.

219

G.O. NO. ~~317~~ Cdm

Dated 4.3.54.

[Despatch Abstract.]

Buildings - Private - Office of the Dt. Edl. officer South ~~Arcot~~ Kanara Expln of Fairrent. Payment of Pleader's fee - Sanctioned

EDUCATION DEPARTMENT.

From

The Director of Public Instruction, Madras.

To

The Secretary to Government, Education Department, M

c.531.se.3/53 Dated 20.8.1953

Sir,

Sub: BUILDINGS - Private - Office of the District Educational Officer, South Kanara-Fixation of rent - Payment of Pleader's fees - Sanction requested.

The Services of the Government Pleader Mangalore were engaged for representing the Department before the Rent Controller, Mangalore in connection with the fixation of fair-rent for the new private building occupied by the District Educational Officer, South Kanara. The case is now ended. I submit herewith copies of the letters No.484.53 dated 12.6.1953 and No.511/53 dated 14.7.1953 received from the Government Pleader in which he claimed a fee of Rs.100/= for the services rendered by him. In the circumstances stated by the Government Pleader, sanction may kindly be accorded for the payment of the said amount to him.

Yours faithfully,

for Director of Public Instruction.

kgv.26/8.

Copy of letter No.484.53 dated 12.6.1953 of the Government Pleader, Mangalore.

Ref: Your Rc.2523.D/52 dated 18.6.1952.

Sub: BUILDINGS - The Madras Buildings Lease and Rent Control Act 1949.

.....

As per the above mentioned letter, I was asked to appear on behalf of the District Educational Officer, in the Court of the Revenue Divisional Officer, Rent controller, Mangalore, in connection with the petition filed against Mrs. A.M. Saldanha as Respondent. In the said petition a counter on behalf of the District Education Officer was filed on or about 19.6.1952 and thereafter I had appeared before the Court on the following dates, 2[illegible] 10.7.1952, 17.7.1952, 23.7.1952, 24.7.1952, ~~24.7.1952~~ and 31.7.1952. I had also accompanied the Rent Controller for Inspection of the Building to fix a fair rent of the said building. Besides, I had given several opinions in connection with this matter.

So I request you to be good enough to send me a cheque for Rs.100/= as my fees after obtaining the necessary sanction if need to be. I think that sanction has already been obtained to engage my services.

-true copy-

P.T.O.

-2-

Copy of Ref. No.611/53 dated 14.7.1953 of the Government Pleader South Kanara

Sub: Building - Private - Office of the District Educational Officer, South Kanara - Shifting of - Rent fixation of the court of Rent Controller - Payment of Pleader's fee.

Ref: Your Rc.5886/D/53 dated 9.7.1953.

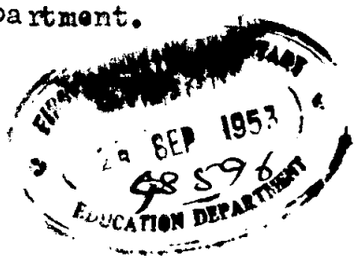
The above said letter has been forwarded to me. In this connection, I would like to invite your kind attention again to my letter No.484/53 dated 12.6.1953 In the said letter, I have clearly mentioned asto how many times I appeared before the Rent Controller and that I had gone with him for local inspection also This matter was finally preferred to the Subordinate Judge and no final orders were passed by the Rent Controller.

Besides, in such cases, there is no question of getting a court certificate, If it is a civil suit, then the court will certify with regard to the fees, as fees in such proceedings are covered by rules relating to legal practitioners fees. But, in matters like this no court will issue any certificate. The fee claimed by me is very reasonable under the circumstances. More than this I am unable to say or do in this matter.

-true copy-

for Director of Public Instruction.

Education Department.



From

The Director of Public Instruction
Madras

To

The Secretary to Government,
Education Department,
Madras.

Rc.No.551-SE3/53 dated 21-9-53.

Sir,

Sub: Buildings - Private . Office of the District Educational Officer, South Kanara -Fixation of Rent - Payment of Pleader's fees.

Ref: Government Memorandum No.43295-A/53-1 Edn dated 3-9-53.

The facts of the case are briefly stated below:—

On receipt of an urgent letter from the District Educational Officer, South Kanara stating that a house belonging to Mrs. A.M.Saldana, suitable for accommodating his office was available on a rent of Rs.95/- per mensem and requesting that permission may be given to shift his office to this building, necessary permission was accorded in Proceedings Rc. No.69-A4/52 dated 6-5-52 As the building was, however, alloted by the Rent Controller, the Executive Engineer stated that he could only furnish the certificate of non-availability of Public buildings and that the rent had to be paid as fixed by the Rent Controller. Seeing however that the previous (~~that~~) tenant was paying only a rent of Rs.65/- per mensem it was necessary ~~for~~ to have a fair rent fixed for the building. In that connection and on a petition from the house owner the Rent Controller sent a notice to the District Educational Officer in his C.No.3889/52 dated 17-6-52 stating that the petition stood posted for 19-6-52.for filing a counter. As there was practically no time the District Educational Officer, in anticipation of approval requested the Government Pleader to appear on his behalf and addressed me for the grant of my approval. The approval was however given with the following observations.

"The District Educational Officer is informed that in as much as the building was alletted by the Rent controller there was no need to avail the ~~S~~ervices of the Government Pleader to contest the fixation of ~~the~~ fair rent for the building by the Rent Controller in accordance with the provisions of the Rent Control Act. It would have been sufficient, if the District Educational Officer or his Head Clerk had attended the Court on 19-6-52 to watch the Proceedings. But as the District Educational Officer has already asked the Government Pleader to appear on his behalf in the Rent Controller's Court, his action in this regard is approved as a special case."

Subsequently, however, the Rent Controller wrote to the District Educational Officer saying that the building was alleted to him by the Rent Controller under section 3 of the Madras Buildings Act, 1949 the terms of the tenacy will be as may be agreed upon by the tenant and the land lord and the tenancy in default of an agreement, may be as determined by the subordinate Judge's court.

After further consultation with the Government Pleader and the Executive Engineer, the rent ~~xxxxx~~ payable to the building was fixed at Rs.95/- in accordance with the decision of the Municipal Commissioner vide in this connection para 2 of Finance Department Memo.No.22464 Exp C3 dated 9/5/47.

In the circumstances I request that the sanction for payment of Pleader's fees sought for in My Rc.551-SRz/53 dated 20-8-1953 may be accorded

~~20-8-53 may be accorded.~~

Yours faithfully

for Director of Public Instruction

ER/23/9.

[Cano 48995A/53]

Edn(A)Dept

Memo no H48995A/53-2 Edn, dated 8/10/53

Sub: Buildings - Private - offices of the Dt. Edl. offices - - - - -
Fixation of Rent - Payment of Pleader's fees

Copies of the letters Nos 551/583/53 dated 20.9.53 and 21.9.53
from the Dpi, Madras, are forwarded to the Collector of South Kanara and he is requested
on the proposal that
to offer his remarks ~~whether~~ the fees claimed by the Govt Pleader may
be paid

SD
3/10/53

6/10/53

To The Collector of South Kanara
(w.r.p. copy of H 48995/53-1)
~~Copy to the DPI, Madras~~

S.O.

Ex'd & issued on 29/12

L.Dis. 24026/53. S.Kanara Collector's office,
Mangalore dated 8-1-1954.

From

Sri A. Shanmugam Chettiar, I.A.S.,
Collector of South Kanara,
Mangalore.

To

The Secretary to Government,
Education Department,
FORT ST.GEORGE, MADRAS.9

4378 Sir,

BUILDINGS:Private.Office of the Dt.Educational Officer, S.Kanara. Fixation of rent.Payment of Pleader's fee-Report submitted-

Ref:Govt. memorandum No. 432-95.A. 53.2 Education dated 8.10.1953.

In this case, the Government Pleader Mangalore was engaged by the Dt.Educational Officer,S.Kanara in connection with the fixation of fair rent in respect of a private building belonging to Srimath A.V.Saldanha of Mangalore and occupied by the Dt.Educational Officer for the purpose of his office. The Government Pleader in his letter dated 12.6.53 received with the Government endorsement cited has claimed a fee of Rs. 100/ (One hundred)for having appeared in the court of the Rent Controller, Mangalore on seven occasions.

2/-The Rent Controller (R.D.C.) Mangalore to whom was consulted in the matter states that the G.P.appeared in court on the following five occasions, viz:19.6.52,26.6.52 10.7.52,17.7.52 and 23.7.52 and that the sitting of the court on each such occasion was less than 3 hours duration. He points out that the G.P. is eligible to get a daily fee of Rs.35/- for cases which take more than 3 hours work per day and Rs.15/- for cases which take less than 3 hours per day accordingly to the instructions in G.O.No.1736(Home)dated 7.5.48. Though the instructions in the G.O.are applicable to fees payable to Public Prosecutors and A.P.Ps and not to Government Pleaders still in the absence of any other rules or orders on the subject the Government Pleader will be eligible to claim the rates specified therein. Since the G.P.is reported to have appeared five times in court, the duration of each sitting of the court being for less than three hours, he will be eligible to a fee of Rs.75/-seventy five only.I recommend that this amount may be sanctioned.

3/-A copy of Mangalore R.D.C's letter L.Dis.10038/53. d/ 30.11.53 and the connected records of R.D.C's L.Dis., 3889/52 are enclosed for favour of perusal and return.

Yours faithfully,

For Collector.

Copy to E.1.

9/1.

Sub: Buildings - Private - Office of the District Educational Officer, South Kanara - Fixation of fair rent - Payment of Pleader's fee - Sanctioned.

Read: From the D.P.I. No. Ac. 551.Se3/53 dated 20-8-53 and 21-9-53
From the Collector of South Kanara, No. L.Dis. 24026/53 dated 3-1-54

Order MS 219 Law Date 4/3/54

The Government sanction the payment of a fee of Rs. 75/- (Rupees seventy five only) to the Government Pleader, Mangalore, who appeared in the Court of the Rent Controller, Mangalore, on behalf of the Government, on 19.6.52, 26.6.52, 10.7.52, 17.7.52 & 23.7.52 in connection with the fixation of fair rent for the private building belonging to Srimathi. A.M. Saldanha of Mangalore and occupied by the District Educational Officer, South Kanara, for his office.

2. The expenditure should be debited to "27-Administration of Justice"

To the Collector of S.Kanara (Work ... ನಡಿ)
To the A.G. thro' Fin. ... ಆಗಿ. by name 2 ಅಲ್ಲಿ
S/C-1

Note: The D.P.I. recommends a fee of Rs. 100/- to the Government Pleader, Mangalore, for his appearance in the Rent Controller's Court, Mangalore, in connection with the fixation of fair rent for the building occupied by the Dt. Educational Officer. The Collector of South Kanara however considers that Rs.75/- would be sufficient. The Collector's recommendation may be accepted. The draft above is for approval. Home and Finance may see before issue.

ASSISTANT SECRETARY TO GOVERNMENT 4-FEB 1954 HOME DEPARTMENT

Home Sec

Home (HS I)

The draft order of H.E.L.A. Dept on
p. 1 ante may be accepted and the
file passed on to Finance Dept

9/2/54 9/2/54

10/2/54

Home (HS I) Dept
4/2/54

Fin (EB) Dept

The Draft order on p. 1 ante
may be accepted.

15/2/54 16-2-54

24/2/54

HELA (EB)

The draft order may

25/2/54 25-2-54

26/2/54

[Issued as G.O. No. 219 Fin. (EB) dt. 4-3-54].

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
11873
10 FEB 1954
EB
FINANCE DEPARTMENT

Fin G.O. 11873/54-1E-1

23-2-54.

ASSISTANT SECRETARY TO GOVT.
24 FEB 1954
HEALTH, EDN. & LOCAL ADMN. DEPT.

19310